



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5922

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-21

from Ch. 46, par. 9-21

Amends the Election Code. Provides that if the filing fee is not tendered at the time the complainant presents the complaint, the complaint shall not be accepted. Provides that if the complaint is received between 31 and 15 days before an election about which the complaint is filed, then the State Board of Elections shall, at a minimum, hold the closed preliminary hearing and make the determination of whether the complaint was filed upon justifiable grounds, prior to the election. Provides that complaints involving any conduct that relates to an upcoming election shall not be accepted 14 or fewer business days before that election. Provides that, in other cases, the Board shall render its final judgment within 60 days of the date the complaint is filed. Effective immediately.

LRB099 16326 MGM 40657 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 9-21 as follows:

6 (10 ILCS 5/9-21) (from Ch. 46, par. 9-21)

7 Sec. 9-21. Upon receipt of a complaint as provided in
8 Section 9-20, the Board shall hold a closed preliminary hearing
9 to determine whether or not the complaint appears to have been
10 filed on justifiable grounds. Such closed preliminary hearing
11 shall be conducted as soon as practicable after affording
12 reasonable notice, a copy of the complaint, and an opportunity
13 to testify at such hearing to both the person making the
14 complaint and the person against whom the complaint is
15 directed. If the complaint is received between 31 and 15 days
16 before an election about which the complaint is filed, then the
17 Board shall, at a minimum, hold the closed preliminary hearing
18 and make the determination of whether the complaint was filed
19 upon justifiable grounds, prior to the election. If the Board
20 finds that the complaint was filed upon justifiable grounds and
21 determines that a public hearing is necessary, that hearing may
22 be set prior to the election if time permits. If time does not
23 so permit, the hearing shall take place as soon as practicable

1 after the election. Complaints involving any conduct that
2 relates to an upcoming election shall not be accepted 14 or
3 fewer business days before that election. However, those
4 complaints may be filed at any time after that election. If the
5 Board fails to determine that the complaint has been filed on
6 justifiable grounds, it shall dismiss the complaint without
7 further hearing. Any additional hearings shall be open to the
8 public.

9 Whenever the Board, in an open meeting, determines, after
10 affording due notice and an opportunity for a public hearing,
11 that any person has engaged or is about to engage in an act or
12 practice which constitutes or will constitute a violation of
13 any provision of this Article or any regulation or order issued
14 thereunder, the Board shall issue an order directing such
15 person to take such action as the Board determines may be
16 necessary in the public interest to correct the violation.
17 Except as provided above, the ~~In addition, if the act or~~
18 ~~practice engaged in consists of the failure to file any~~
19 ~~required report within the time prescribed by this Article, the~~
20 ~~Board, as part of its order, shall further provide that if,~~
21 ~~within the 12-month period following the issuance of the order,~~
22 ~~such person fails to file within the time prescribed by this~~
23 ~~Article any subsequent report as may be required, such person~~
24 ~~may be subject to a civil penalty pursuant to Section 9-23. The~~
25 Board shall render its final judgment within 60 days of the
26 date the complaint is filed; ~~except that during the 60 days~~

~~preceding the date of the election in reference to which the
complaint is filed, the Board shall render its final judgment
within 7 days of the date the complaint is filed, and during
the 7 days preceding such election, the Board shall render such
judgment before the date of such election, if possible.~~

At any time prior to the issuance of the Board's final judgment, the parties may dispose of the complaint by a written stipulation, agreed settlement or consent order. Any such stipulation, settlement or order shall, however, be submitted in writing to the Board and shall become effective only if approved by the Board in an open meeting. If the act or practice complained of consists of the failure to file any required report within the time prescribed by this Article, such stipulation, settlement or order may provide that if, within the 12-month period following the approval of such stipulation, agreement or order, the person complained of fails to file within the time prescribed by this Article any subsequent reports as may be required, such person may be subject to a civil penalty pursuant to Section 9-23.

Any person filing a complaint pursuant to Section 9-20 may, upon written notice to the other parties and to the Board, voluntarily withdraw the complaint at any time prior to the issuance of the Board's final determination.

(Source: P.A. 96-832, eff. 1-1-11.)

Section 99. Effective date. This Act takes effect upon becoming law.